

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 3  
**Mtg. Date** November 15, 2016  
**Dept.** Development Services

**Item Title:** **Ordinance No. 441 - Zoning Amendment ZA1-600-0002, Amending the Buildings and Construction Regulations (Title 15 of the Lemon Grove Municipal Code)**

**Staff Contacts:** James Lough, City Attorney  
David De Vries, Development Services Director

**Recommendation:**

- 1) Conduct the second reading, by title only, and adopt Ordinance No. 441 (**Attachment A**).

**Item Summary:**

On November 1, 2016, the City Council introduced Ordinance No. 441 (**Attachment A**). This ordinance amends Lemon Grove Municipal Code Title 15, Buildings and Constructions, to meet state-mandated 2016 updates to Title 24 of the California Government Code (aka California Building Standards Code or CBSC). Local amendments are included to safeguard the health, safety and general welfare of the community which are based upon local conditions, and to continue local administrative processes as they exist. Local jurisdictions are required to adopt and implement the Building Standards Code as the minimum standards for construction. The City is required to utilize the newest version of the codes for building permit review and inspections. The City may modify the construction codes based upon local climatic, geologic, or topographic conditions provided the modifications are more restrictive. Additionally, amendments to administrative provisions of the abatement of dangerous buildings are included. If adopted, the Ordinance becomes effective on January 1, 2017.

**Fiscal Impact:**

None.

**Environmental Review:**

- |  |   |
|--|---|
| <input type="checkbox"/> Not subject to review                                 | <input type="checkbox"/> Negative Declaration           |
| <input checked="" type="checkbox"/> Categorical Exemption, Section 15061(b)(3) | <input type="checkbox"/> Mitigated Negative Declaration |

**Public Information:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> None   | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input checked="" type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

A. Ordinance No. 441 - ZA1-600-0002



## ORDINANCE NO. 441

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA RESCINDING CHAPTERS 15.04, 15.06, 15.08, 15.10, 15.12, 15.20, 15.24, 15.28, 15.32, 15.34, 15.36, 15.38, AND 15.40 OF TITLE 15 OF THE LEMON GROVE MUNICIPAL CODE, ENTITLED “BUILDINGS AND CONSTRUCTION”, IN THEIR ENTIRETY, AND ADOPTING NEW CHAPTERS 15.04, 15.06, 15.08, 15.10, 15.14, 15.18, 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, 15.32, AND 15.38 ADOPTING THE 2016 CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2016 CALIFORNIA ADMINISTRATIVE CODE, THE 2016 CALIFORNIA BUILDING CODE, THE 2016 CALIFORNIA RESIDENTIAL CODE, THE 2016 CALIFORNIA ELECTRICAL CODE, THE 2016 CALIFORNIA MECHANICAL CODE, THE 2016 CALIFORNIA PLUMBING CODE, THE 2016 CALIFORNIA ENERGY CODE, THE 2016 CALIFORNIA HISTORICAL BUILDING CODE, THE 2016 CALIFORNIA EXISTING BUILDING CODE, THE 2016 CALIFORNIA GREEN BUILDING CODE AND THE 2016 CALIFORNIA REFERENCE STANDARDS CODE, AND LOCAL AMENDMENTS AND RELATED FINDINGS AND ADOPTING THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND LOCAL AMENDMENTS**

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**WHEREAS**, on November 1, 2016, a public hearing was duly noticed and held by the City Council; and

**WHEREAS**, the City of Lemon Grove last revised its construction codes in 2013 per Ordinance 418 adopted December 3, 2013; and

**WHEREAS**, the permit number associated with this action is Zoning Amendment ZA1-600-0002; and

**WHEREAS**, Health & Safety Code Section 17958 mandates that the City of Lemon Grove shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health & Safety Code, Section 17922; and

**WHEREAS**, the State of California Health & Safety Code Section 17922 imposes the same requirements as are contained in the 2016 California Building Standards Code including the 2016 California Administrative Code (Part 1), the 2016 California Building Code (Part 2), the 2016 California Residential Code (Part 2.5), the 2016 California Electrical Code (Part 3), the 2016 California Mechanical Code (Part 4), the 2016 California Plumbing Code (Part 5), the 2016 California Energy Code (Part 6), the 2016 California Fire Code (Part 9), the 2016 California Existing Building Code (Part 10), the 2016 California Green Building Code (Part 11), and the 2016 California Reference Standards Code (Part 12); and

**WHEREAS**, California Health and Safety Code section 17958.5 provides, in pertinent part, that a City may make such changes or modifications to the provisions published in the California Building Standards Code and other regulations adopted pursuant to Section 17922 as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, topographical, or geological conditions; and

**WHEREAS**, the City Council finds in its independent judgment that the proposed amendments to the Municipal Code are exempt from environmental review under section 15061(b)(3) of the California Environmental Quality Act Guidelines because they entail the adoption of uniform abatement of dangerous buildings codes and State mandated building and fire codes and with or without amendments, intended to maintain and improve the public health, safety, and welfare, and will not have a significant effect on the environment; and

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**WHEREAS**, the City Council finds that the modifications and changes to the provisions of the California Building Standards Code (Title 24) are reasonably necessary because of the following climatic, geologic, and topographic conditions which are each individual justifications to each local amendment to the California Buildings Standards Title 24 Part 2 California Building Code, Part 2.5 California Residential Code, and Part 9 California Fire Code:

1. The City is situated in hilly, inland terrain. Large areas are covered by native vegetation on steep and frequently inaccessible hillsides. The native ground cover is highly combustible grasses, dense brush and chaparral. Natural firebreaks in these areas are insignificant.

2. The climate is warm and dry. The winds prevail from the west with seasonal strong dry east winds that vary in duration and intensity. These winds can significantly enlarge wildland fire as well as cause abrupt and unpredictable changes in fire direction. Temperatures ranging between 75 and 100 degrees F are common throughout the year.

3. The potential for fire damage is great in the wildland area, as such, a fire can spread rapidly and difficult terrain and explosive vegetation can slow response time.

4. The high water table, expansive clay-like soils, and history of unregulated grading including un-compacted fills existing within the City of Lemon Grove constitute local conditions that require that the California Building Standards Code be modified as expressed herein; and

**WHEREAS**, the City Council finds that the following findings required to approve an amendment of the Municipal Code can be made in accordance with Section 17.28.080(B) of the Municipal Code:

1. The proposed amendments are consistent with the General Plan, in accordance with Government Code Section 65860, as amended.

The Lemon Grove General Plan Safety Element acknowledges the applicability of the codes contained within Title 24 as they are reflected in Title 15 of the Lemon Grove Municipal Code.

2. The public health, safety, and general welfare benefit from the adoption of the proposed amendments.

The primary purpose of Title 24 is to promote public health and safety through the application of minimum construction standards; and

**WHEREAS**, on November 1, 2016, the City Council introduced and conducted the first reading of Ordinance No.441; and

**WHEREAS**, on November 15, 2016, the City Council conducted the second reading of Ordinance No. 441; and

**NOW, THEREFORE**, the City Council of the City of Lemon Grove, California, does ordain as follows:

**SECTION ONE.** Finds and determines that the facts set forth in the recitals of this Ordinance are declared to be true; and

**SECTION TWO:** Rescinds Chapters 15.04, 15.06, 15.08, 15.10, 15.12, 15.20, 15.24, 15.28, 15.32, 15.34, 15.36, 15.38, AND 15.40 of Title 15 of the Lemon Grove Municipal Code, entitled "BUILDINGS AND CONSTRUCTION", in their entirety; and.

**SECTION THREE:** Adopts new Chapters 15.04, 15.06, 15.08, 15.10, 15.14, 15.18, 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, 15.32, and 15.38 of Title 15 of the Lemon Grove Municipal Code, entitled "BUILDINGS AND CONSTRUCTION", to read as shown in the attached Exhibit A.

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**SECTION FOUR:** Finds that if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**SECTION FIVE:** Finds that nothing in this ordinance or in the Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby rescinded as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION SIX:** This Ordinance shall take effect in the manner allowed by law on January 1, 2017.

**INTRODUCED** by the City Council on November 1, 2016.

**SECOND READING** by the City Council on November 15, 2016.

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## EXHIBIT A

### TEXT OF PROPOSED REGULATIONS

#### NOTE:

- Text proposed to be added is displayed in underlined type.
- Text proposed to be deleted is displayed in strikeout type.

In the City of Lemon Grove Municipal Code, to amend Building and Construction Regulations, Title 15 shall read as follows with the exception of Chapters 15.33, 15.44, 15.48, 15.50, and 15.52, which shall remain unchanged:

#### **Chapter 15.04 GENERAL PROVISIONS**

##### **15.04.010 Variances from regulations.**

The development services director shall have and exercise the power and authority granted the building department by Section 17951 of the Health and Safety Code.

##### **15.04.020 Adoption of state regulations.**

Any rules and regulations adopted by the Department of Industrial Relations of the state of California pursuant to the State Housing Law which impose restrictions greater than those imposed by this title are adopted and shall be applicable to the city and shall be enforced by the departments, officers, employees and agents of the city in the same manner as city ordinances regulating the erection, construction, alteration, maintenance, sanitation, occupancy or ventilation of buildings, provided, however, no fees prescribed by such rules or regulations shall be applicable excepting so far as they are greater than the fees prescribed by this title. One copy of Title 24, the 2016 California Code of Regulations, is filed in the office of the city clerk.

##### **15.04.030 Severability and Validity –**

If any section of this Title is declared invalid by a court of law, the remaining sections shall remain valid. The city council hereby declares that it would have passed this Title, and each chapter, section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Title should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

#### **Chapter 15.06 ADMINISTRATIVE CODE**

##### **15.06.010 Adoption of the California Administrative Code, Part 1, Title 24 of the California Code of Regulations.**

There is hereby adopted by reference that certain document known as the California Administrative Code, Part 1, Title 24 of the 2016 California Code of Regulations. Said document is adopted without change for the purpose of establishing the administration, organization, and enforcement of rules and

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regulations for the technical codes adopted by the city. All provisions of the California Administrative Code, 2016 Edition, are referred to, adopted and made a part of this code, as though fully set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

## **Chapter 15.08 BUILDING CODE**

### **15.08.010 Adoption of the 2016 California Building Code, Part 2, Title 24 of the California Code of Regulations.**

There is adopted and incorporated by reference herein as the city building code for the purpose of prescribing regulations in the city of Lemon Grove for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures, the 2016 California Building Code, Part 2, Title 24 of the California Code of Regulations, a portion of the 2016 California Building Standards Code, as defined in the California State Health and Safety Code, Section 18901 et seq., including those appendix chapters shown as adopted by this chapter. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures within the city of Lemon Grove shall be in conformance with the 2016 California Building Code.

### **15.08.020 Findings.**

The city of Lemon Grove has large brush-covered hillsides. The city is subject to frequent Santa Ana conditions consisting of dry gusting winds, which create extreme fire dangers. The city council specifically finds that these geographic and topographic conditions necessitate greater fire protection than that provided by the State Building Code. Therefore, this chapter alters the 2016 California Building Code to require more fire retardant roof coverings.

### **15.08.030 Deletions, revisions and additions to the 2016 California Building Code.**

Deletions, revisions and additions to the 2016 California Building Code shall be as set forth in Sections 15.08.040 through 15.08.060.

### **15.08.040 Chapter 1, Scope and Administration, Division II-deletions, revisions, and additions.**

Section 101.1 is replaced to read: Title. These regulations shall be known as the Building Code of the City of Lemon Grove, hereinafter referred to as "this code."

Add Section 103.1.1 GENERAL. Whenever the terms or the title "administrative authority", "responsible official," Building Official," "chief inspector," "code enforcement officer" or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the person appointed as Building Official by the Lemon Grove City Council or his duly authorized representative.

Add Section 105.3.1.1 Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer notifies the Building Official in writing that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued.

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Permits shall not be issued if the City Engineer determines that a flooding or geologic condition at the site may endanger the public safety or welfare.”

Add section 105.3.3 Permit denial. The chief building official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in this Title, or where exists unlawful construction, or where exists a significant violation of this code.

Add section 105.5.1 Expiration of Plan Review. Applications for which no permit is issued within one year following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Add Section 109.1.1 Fee Exceptions. The Government of the United States of America, the State of California, and local school districts proposing work exempt from building permits, the County of San Diego, and the City of Lemon Grove shall not be required to pay any fees for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by the City Council shall apply.

Add Section 109.2.1 Plan Review Fees. When submittal documents are required by Section 107, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be as shown in a resolution adopted by the City Council.

\_\_\_\_\_ The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

\_\_\_\_\_ When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged at the rate shown in a resolution duly adopted by the City Council.

Add Section 109.2.2 Demolition Permit Fee. The fee for a permit to demolish a building or portion of a building shall be as set forth in a resolution duly adopted by the City Council.

Section 109.3 is replaced to read: Building Permit Valuations. The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment. The permit fees for those projects subject to State energy code compliance shall be as set forth in a resolution adopted by the City Council.

Section 109.6 is replaced to read: Fee Refunds. The building official may authorize refunding of a fee paid or portion of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.



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The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 114.4 is replaced to read: Violation penalties. Any person, firm, or corporation violating any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continues or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Add Section 114.5 Declaration of Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain permit as required by this chapter shall be prima facie evidence of the facts that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, improvement, movement, removal, conversion or demolition, equipment, use occupancy, or maintenance of a building or structure erected, constructed, enlarged, repaired, moved, improved, removed, converted, or demolished, used, occupied, or maintained contrary to the provisions of this chapter.

## **15.08.050 Section 903.2.11.3 amended.**

Section 903.2.11.3 is replaced to read: Buildings Three (3) Stories or More in Height. An automatic sprinkler system shall be installed throughout buildings three (3) or more stories in height.

## **15.08.060 Appendices Chapter C, Chapter H, and Chapter I.**

Appendix Chapters C, H and I of the 2016 California Building Code are adopted.

## **Chapter 15.10 RESIDENTIAL CODE**

### **15.10.010 Adoption of the 2016 California Residential Code, Part 2.5, Title 24 of the California Code of Regulations.**

There is adopted and incorporated by reference herein as the city residential code for the purpose of establishing provisions for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade, the 2016 California Residential Code. Except as otherwise provided by this Title of the city of Lemon Grove Municipal Code, all construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal or demolition of detached one- and two-family dwellings and townhouses not more

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than three stories above grade within the city of Lemon Grove, shall be in conformance with the 2016 California Residential Code, published by the California Building Standards Commission.

## **15.10.020 Chapter 1, Division II, Administration, of the 2016 California Residential Code shall be amended as follows:**

Section R101.1 is replaced to read: Title. These regulations shall be known as the Residential Building Code of the City of Lemon Grove, hereinafter referred to as "this code."

Add Section R103.1.1 GENERAL. Whenever the terms or the title "administrative authority", "responsible official," Building Official," "chief inspector," "code enforcement officer" or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the person appointed as Building Official by the Lemon Grove City Council or his duly authorized representative.

Add section R105.1.1 Permit denial. The chief building official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in this Title, or where unlawful construction exists, or where a significant violation of this code exists.

Section R105.3.1 shall be amended to add: Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer notifies the Building Official in writing that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued.

Permits shall not be issued if the City Engineer determines that a flooding or geologic condition at the site may endanger the public safety or welfare.

Add Section R108.1.1: The Government of the United States of America, the State of California, and local school districts proposing work exempt from building permits, the County of San Diego, and the City of Lemon Grove shall not be required to pay any fees for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by the City Council shall apply.

Section R108.5 is replaced to read: Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section R113.4 is replaced to read: Violation penalties. Any person, firm, or corporation violating any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continues or permitted, and upon

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conviction of any such violation, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Add Section R113.5 Declaration of Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain permit as required by this chapter shall be prima facie evidence of the facts that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, improvement, movement, removal, conversion or demolition, equipment, use occupancy, or maintenance of a building or structure erected, constructed, enlarged, repaired, moved, improved, removed, converted, or demolished, used, occupied, or maintained contrary to the provisions of this chapter.

## **15.10.030 Section R313.2 amended.**

Section R313.2 is amended to read:

R313.2 One- and Two-Family Dwellings Automatic Fire Systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings in accordance with the City of Lemon Grove Fire Code, Chapter 15.26.

## **15.10.040 Appendices Chapter H.**

Appendix Chapter H of the 2016 California Residential Building Code is hereby adopted.

## **Chapter 15.14 ELECTRICAL CODE**

### **15.14.010 Adoption of the California Electrical Code, Part 3, Title 24 of the California Code of Regulations.**

There is adopted and incorporated by reference herein as the city electrical code for the purpose of prescribing regulations in the city of Lemon Grove for the installation, alteration or repair of electrical systems and permit requirements and inspection thereof, the 2016 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the 2016 California Building Standards Code based on the National Electrical Code, 2008 Edition. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all installation, alteration or repair of electrical systems within the city of Lemon Grove shall be in conformance with 2016 California Electrical Code, published by the California Building Standards Commission.

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## **Chapter 15.18 MECHANICAL CODE**

### **15.18.010 Adoption of the California Mechanical Code, Part 4, Title 24 of the California Code of Regulations.**

There is adopted and incorporated by reference herein as the city mechanical code for the purpose of prescribing regulations in the city of Lemon Grove for the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances, the 2016 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the 2016 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances shall be in conformance with 2016 California Mechanical Code and any rules and regulations promulgated pursuant thereto, published by the California Building Standards Commission.

## **Chapter 15.20 PLUMBING CODE**

### **15.20.010 Adoption of the California Plumbing Code, Part 5, Title 24 of the California Code of Regulations.**

There is adopted and incorporated by reference herein as the city plumbing code for the purpose of prescribing regulations in the city of Lemon Grove for the construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment in or on any building or structure or outdoors on any premises or property, the 2016 California Plumbing Code, Part 5, Title 24 of the 2016 California Code of Regulations, a portion of the 2016 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this chapter of the City of Lemon Grove Municipal Code, all construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment within the city of Lemon Grove shall be in conformance with 2016 California Plumbing Code which is based on the Uniform Plumbing Code, 2015 Edition, published by the California Building Standards Commission.

## **Chapter 15.22 ENERGY CODE**

### **15.22.010 Adoption of the 2016 California Energy Code, Part 6, Title 24 of the California Code of Regulations.**

There is adopted and incorporated by reference herein as the city energy code for the purpose of prescribing regulations in the City of Lemon Grove for the conservation of energy the 2016 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the 2016 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901. Except as otherwise provided by this chapter of the City of Lemon Grove Municipal Code, all construction of buildings where energy will be utilized shall be in conformance with California State Code and any rules

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and regulations promulgated pursuant thereto, including the 2016 California Energy Code, published by the California Energy Commission.

## **Chapter 15.24 HISTORIC BUILDING CODE**

### **15.24.010 Adoption of the 2016 California Historic Building Code, Part 8, Title 24 of the California Code of Regulations.**

The 2016 California Historic Building Code is hereby adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

## **Chapter 15.26 FIRE CODE**

### **15.26.010 California Fire Code, 2016 Edition—Adopted by reference.**

The California Fire Code, 2016 Edition, and including Appendix Chapters 4, B, BB, C, CC, D, H, and N, as published by the International Code Council, is adopted by reference as the fire code of the city (the “fire code”), for protecting the interests of health, life, and safety as they relate to the use or occupancy of buildings or premises. All of the regulations, provisions, penalties, conditions and terms of the California Fire Code, 2016 Edition, are referred to, adopted and made a part of this chapter as though fully set out in this chapter, excepting such portions as are added, deleted, modified or amended by this chapter. The California Fire Code is referred to in this chapter as the “CFC,” and one copy is on file in the office of the city clerk.

### **15.26.020 Section 101.1 Amended—Title**

Section 101.1 of the CFC is amended to read as follows:

101.1 Title. These regulations will be known as the Fire Code of the City of Lemon Grove, hereinafter referred to as “this code”.

### **15.26.030 Section 105.3.1 Amended—Expiration**

Section 105.3.1 of the CFC is amended to read as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, or revoked, or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within one hundred eighty days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty days after the time the work is commenced. The maximum life of any construction permit is three years. If a final inspection is not obtained within the three-year time period, the permit will become invalid and a new permit will be required. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy, or ownership shall require that a new permit be issued.

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## **15.26.040 Section 108 Amended and 108.1 Added — Board of Appeals.**

Section 108 of the CFC is amended to read as follows:

City Council sits as Appeals Board. Appeals to the decisions or determinations made by the building official/fire marshal, or fire code official relative to the application and interpretation of the fire code adopted by the City, the applicant may appeal the decision to the Lemon Grove City Council within thirty (30) days from the date of the decision appealed.

Section 108.1 of the CFC is added to read as follows:

108.1 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall not have authority to waive requirements of this code.

## **15.26.050 Section 109.4 Amended – Violation Penalties**

Section 109.4 is amended to read as follows:

Violation Penalties. Any person who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or lawful directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction, punishable by a fine of not more than \$1,000 dollars in the manner established in Lemon Grove Municipal Code Section 1.12.010(c). Each day that a violation continues after due notice has been served shall be deemed a separate offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined by the fire code official.

## **15.26.060 Section 111.4 Amended – Failure to Comply**

Section 111.4 of the CFC is amended to read as follows:

Section 111.4 Failure to Comply. Any person, who shall continue any work having been served with a stop work order, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250.00 dollars or more than \$1,000 dollars as provided for in the Lemon Grove Municipal Code Section 1.12.010(c).

## **15.26.070 Section 113 Amended and Added—Schedule of Fees**

Section 113.2 of the CFC is amended to read as follows:

113.2 Schedule of fees. The permit fees for all permits authorized by this code shall be as listed in the City of Lemon Grove Master Fee Schedule.

Section 113.6 of the CFC is added to read as follows:

113.6 Cost Recovery. This section is to establish authority to obtain reimbursements from responsible individuals for the expenses of any emergency response and/or code enforcement action by the City of

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Lemon Grove Fire Department to protect the public from fire or hazardous substances and situations as allowed by the general laws of the State of California and the Lemon Grove Municipal Code.

Section 113.7 of the CFC is added to read as follows: 113.7 Reimbursements. (a) In accordance with the Health and Safety Code Section 13000 et seq., any individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substance shall be liable for reimbursements to the agency for the costs incurred.

(b) In accordance with Government Code Sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel, or civil aircraft caused by that influence, proximately causes any incident and thereby requires the agency to provide an emergency response shall reimburse the agency for the costs incurred.

Section 113.8 of the CFC is added to read as follows:

Section 113.8 Expense Recovery. This section establishes authority to obtain from responsible individuals for the expense of any emergency response and/or enforcement action by the City of Lemon Grove Fire Department to protect the public from fire, hazardous substances and dangerous situations as allowed under the Lemon Grove Municipal Code and by the laws of the State of California.

Section 113.9 of the CFC is added to read as follows:

Section 113.9 Cumulative Remedies. The remedies contained in this code are cumulative and inclusive of other remedies contained in the Lemon Grove Municipal Code. Nothing herein prevents the City Attorney or appropriate enforcement officer from pursuing the remedies set out in Chapters 1.12, 1.14, 1.24 or any other remedy at law or equity to address violations of this code. Nothing herein shall prevent the application of civil remedies authorized by Lemon Grove Municipal Code Section 1.12.010(e).

## **15.26.080 Section 202 Amended – Definitions.**

Section 202 of the CFC is amended by adding the following definitions:

Accessory Structure is a building or structure used to shelter or support any material, equipment, chattel, or occupancy other than a habitable building. (A) (See Structure.)

Combustible Vegetation is material that in its natural state will readily ignite, burn and transmit fire from the vegetative growth to any structure; this includes ground fuels which are any native or landscape vegetation not considered a tree and generally in contact with the ground.

Fire Authority Having Jurisdiction (FAHJ) is the designated entity providing enforcement of fire regulations as they relate to planning, construction, and development. This entity may also provide fire suppression and other emergency services.

Fire Department is any regularly organized fire department, joint powers agreement established for fire protection, fire protection district, a legally formed volunteer fire department recorded with the County of San Diego, or fire company regularly charged with the responsibility of providing fire protection to the jurisdiction.

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Fire Hazard is anything that increases or could create an increase of the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or anything or act which could obstruct, delay, hinder or interfere with the operations of the fire department or egress of occupants in the event of fire.

Fuel Modification Zone is a strip of land where combustible vegetation has been thinned, modified or both and partially or totally replaced with approved drought tolerant, fire resistant, and/or irrigated plants to provide an acceptable level of risk from vegetation fires. Fuel modification reduces radiant and convective heat, thereby reducing the amount of heat exposure on the roadway or structure and providing fire suppression forces a safer area in which to take action.

Hazardous Fire Area is any geographic area mapped by the State or local jurisdiction as a high or very high fire hazard area, or as set forth by the FAHJ that contains the type and condition of vegetation, topography, weather, and structure density to potentially increase the possibility of vegetation conflagration fires shall be considered a hazardous fire area.

Heavy Timber Construction as described in the California Building Code.

Off-site Roadway is a road, street, public highway, or private road used for fire apparatus access from a publicly maintained road to the boundary of the subject property.

On-site Roadway is a road, street, public highway, private road, or driveway used for fire apparatus access within the boundaries of the subject property or land division.

Planning Authority Having Jurisdiction (PAHJ) is the identified authority regulating and enforcing planning and/or construction standards.

Response Time is the elapsed time from the fire department's receipt of the first alarm to when the first fire unit arrives at the scene.

Travel time is the estimated time it would take for a responding agency to travel from the fire station to the furthest structure in a proposed development project, determined by measuring the safest, most direct, appropriate, and reliable route with consideration given to safe operating speeds for heavy fire apparatus.

Vegetation Conflagration is an uncontrolled fire spreading through vegetative fuels, and exposing and consuming structures in the advancing path of fire.

## **15.26.090 Section 503.2.1 Amended – Dimensions.**

Section 503.2.1 of the CFC is amended to read as follows:

(a) 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed improved width of not less than twenty (20) feet, except for single family residential driveways not exceeding 150 feet in length from the public right-of-way and serving no more than two single family dwellings, shall have a minimum of sixteen (16) feet unobstructed improved width. Any of the following, which have separated lanes of one way traffic; gated entrances with card readers; guard stations or center medians, are allowed, provided that each lane is not less than fourteen (14) feet wide. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than thirteen feet six inches (13'6"). Vertical



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clearance or road widths shall be increased when, in the opinion of the fire code official, vertical clearances or road widths are not adequate to provide fire apparatus access.

Exception: Upon approval of the fire code official. Vertical clearance or road width may be reduced as long as the reduction does not impair access by fire apparatus. In cases where the vertical clearance has been reduced, approved signs shall be installed and maintained indicating the amount of vertical clearance.

## **15.26.100 Section 503.3.1 Added – Fire Lane Designation.**

Section 503.3.1 of the CFC is added to read as follows:

503.3.1 Fire lane designation. Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code Section 22500.1 (public) or 22658(a) (private).

## **15.26.110 Section 505.1 Amended—Premises Identification.**

Section 505.1 of the CFC is amended to read as follows:

Section 505.1 Address Identification and Address Numbers. Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: minimum three inches (3") high with a one-half inch (½") stroke for individual suites and apartments, minimum four inches (4") high with a one-half inch (½") stroke for residential buildings, minimum eight inches (8") high with a one-half inch (½") stroke for commercial, multi-residential buildings, and industrial buildings. Additional numbers shall be required where deemed necessary by the fire code official, such as rear access doors, building corners, and entrances to commercial centers. The fire code official may require larger address numbers based on visibility and the needs of emergency response personnel.

## **15.26.120 Section 505.3 Added—Response Map Updates.**

Section 505.3 of the CFC is added to read as follows:

505.3 Response Map Updates. Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in a format compatible with current department mapping services, and shall be charged a reasonable fee for updating all response maps.

## **15.26.130 Section 506.1 Amended—Key Boxes.**

Section 506.1 of the CFC is amended to read as follows:

506.1 Where required. All central station-monitored fire detection systems and fire sprinkler systems shall have an approved emergency key access box on site in an approved location. In addition, where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in

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accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official.

## **15.26.140 Section 507.5.1.1 Amended—Hydrant for Standpipe Systems.**

Section 507.5.1.1 of the CFC is amended to read as follows:

507.5.1.1 Hydrant for Standpipe Systems. Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within fifty (50) feet of the fire department connection.

Exception: The distance shall be permitted to exceed fifty (50) feet where approved by the fire code official.

## **15.26.150 – Section 605.11.1.3.3 Amended – Smoke Ventilation**

Section 605.11.1.3.3 of the CFC is amended to read as follows:

1. In buildings or structures without an automatic fire sprinkler system, and without smoke and heat removal as prescribed by CBC section 910, arrays shall be not greater than fifty (50) feet by fifty (50) feet in distance in either axis in order to create opportunities for fire department smoke ventilation operations.

2. In buildings or structures with an automatic fire sprinkler system, or with smoke and heat removal as prescribed by CBC section 910, arrays shall be not greater than one-hundred and fifty (150) feet by one-hundred and fifty (150) feet in distance in either axis in order to create opportunities for fire department smoke ventilation operations.

## **15.26.160 Section 903.2 Amended—Where required.**

Section 903.2 of the CFC is amended to read as follows:

903.2 Where required. Approved automatic fire sprinkler systems are required in all new structures, and in locations described in Sections 903.2.1 through 903.2.12 where a change of occupancy occurs. Fire barriers, partitions and walls, regardless of rating, shall not be considered as creating separate buildings for purposes of determining fire sprinkler requirements. Mezzanines shall be included in the total square footage calculation. For additions, in other than R-3 and U occupancies, an automatic fire sprinkler system installed in accordance Section 903.2 shall be required to be installed throughout structures when the added square footage has caused deficient fire flow in the available water supply as required per section 507.3, or where hydrant spacing is deficient.

Additions to R-3 and U occupancies will require an automatic fire sprinkler system installed in accordance with 903.2 throughout the entire building when the added square footage is more than 50% of the existing building area and the combined square footage has created deficient fire flow in the available water supply as required per section 507.3, or when the added square footage is more than 50% of the existing square footage and the fire hydrant spacing is deficient. The fire code official may require an automatic sprinkler system be installed in buildings where no water main exists to provide the required fire flow or where a special hazard exists such as: poor access roads, grade and canyon rims, hazardous brush and response times greater than five (5) minutes by a the fire department. When fire sprinklers are required under additions, this shall mean the entire structure or structures shall be

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equipped with fire sprinklers. The fire code official may require that other protective measures be taken based on existing conditions and/or potential hazards.

Exceptions:

1. Unless required by other sections of this code, non-residential occupancies not greater than one thousand (1,000) square feet which are of ignition-resistant construction or as determined by the fire code official to not present a significant fire hazard.

2. Agricultural buildings constructed of wood or metal frames, over which fabric or similar material is stretched, which are specifically used as green houses are exempt from the automatic sprinkler requirements unless physically connected to other structures.

3. Unless required by other sections of this code, accessory structures less than 500 square feet and not determined to be a significant fire hazard by the fire code official.

## **15.26.170 Section 3318 Added—Fuel modification or vegetation modification.**

Section 3318 of the CFC is added to read as follows:

### Section 3318 - Fuel Modification or Vegetation Modification

3318.1 Fuel modification zone during construction. Any person doing construction of any kind which requires a permit under this code or the building code shall install a fuel modification zone as approved by the fire code official, prior to allowing any combustible material to arrive on the site and shall maintain the zone during the duration of the project.

## **15.26.180 Section 5001.5.1.1 Added—HMMP Approved Location.**

Section 5001.5.1.1 of the CFC is added to read as follows:

5001.5.1.1 HMMP approved location. The hazardous materials management plan (HMMP) shall be placed in an approved location, in a security box or other method of storage as approved by the fire code official or designated representative.

## **15.26.190 Section 5704.2.9.6.1 Amended—Location where above-ground tanks are prohibited.**

Section 5704.2.9.6.1 of the CFC is amended to read as follows:

Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

## **15.26.200 Section 5706.2.4.4 Amended—Location where above-ground tanks are prohibited.**

Section 5706.2.4.4 of the CFC is amended to read as follows:

5706.2.4.4 Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

## **15.26.210 Section 5806.2 Amended—Limitations.**

Section 5806.2 of the CFC is amended to read as follows:

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5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited except for zones classified as commercial or industrial.

## **15.26.220 Section 6104.2 Amended—Maximum capacity within established limits.**

Section 6104.2 of the CFC is amended to read as follows:

6104.2 Maximum capacity within established limits. The geographic limits in which the bulk storage of liquefied petroleum gas is prohibited for the protection of heavily populated and congested areas is hereby established as jurisdiction limits of the City of Lemon Grove except for areas zoned for industrial use.

## **Chapter 15.28 EXISTING BUILDING CODE**

### **15.28.010 Adoption of the 2016 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations.**

The California Existing Building Code, 2016 edition, Chapter 15.28 is adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

## **Chapter 15.30 GREEN BUILDING CODE**

### **15.30.010 Adoption of the 2016 California Green Building Code, Part 11, Title 24 of the California Code of Regulations.**

There is adopted and incorporated by reference herein as the city green building code for the purpose of prescribing regulations in the City of Lemon Grove for improved public health safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encourage sustainable construction practices, the 2016 California Green Building Standards Code, Part 11, Title 24 of the California Code of Regulations, a portion of the 2016 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901. Except as otherwise provided by this Chapter of the City of Lemon Grove Municipal Code, all construction of buildings shall comply with the design, operation construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this code shall be in conformance with the California Green Building Code published by the California Building Standards Commission.

## **Chapter 15.32 REFERENCE STANDARDS CODE**

### **15.32.010 Adoption of the 2016 California Reference Standards Code, Part 12, Title 24 of the California Code of Regulations.**

The California Reference Standards Code, 2016 edition, Chapter 15.32 is adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

## **Chapter 15.38 ABATEMENT OF DANGEROUS BUILDINGS**

### **15.38.010 Adoption of the Uniform Code for Abatement of Dangerous Buildings.**

There is adopted and incorporated by reference herein as the city code for the Abatement of Dangerous Buildings (for the purpose of providing a method, to be cumulative with and in addition to any other remedy provided by the building code, housing code or otherwise available law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished) the Uniform Code for Abatement of Dangerous Buildings, 1997 Edition, promulgated and published by the International Code Council, including such provisions as are hereinafter added, deleted or amended.

### **15.38.020 Deletions, revisions and additions.**

The deletions, revisions and additions set forth in Sections 201, 202, 204, 205 and 801 and Chapters 4, 5, 6 and 7 are made to the Uniform Code for the Abatement of Dangerous Buildings. (Ord. 349, 1996)

### **15.38.030 Section 201 amended.**

Section 201 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Sec. 201. (a) Administration. The director of development services is hereby authorized to enforce the provisions of this code.

The director of development services shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as he or she may deem necessary in order to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

(b) Inspections. The health officer, the fire marshal, the building official and the director of development services or their designees are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

(c) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the director of development services or the director's authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the director of development services or the director's authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the director of development services by this code, provided that if such building or premises be occupied, the authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the director of development services, or the director's authorized representative, shall have recourse to every remedy provided by law to secure entry.

"Authorized representative" shall include the officers and their designees named in Section 201(b) and their authorized inspection personnel.

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## **15.38.040 Section 202 amended.**

Section 202 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Sec. 202. All buildings or portions thereof which are determined after inspection by the director of development services to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.

## **15.38.050 Section 204 amended.**

Section 204 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Sec. 204. All buildings or structures within the scope of the code and all construction or work for which a permit is required shall be subject to inspection by an Authorized Representative in accordance with and in the manner provided by this code and Sections 110 and 1704 of the 2016 California Building Code.

## **15.38.060 Section 205 is deleted.**

Section 205 of the Uniform Code for the Abatement of Dangerous Buildings is deleted from the code.

## **15.38.070 Chapter 4 amended.**

Chapter 4 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

### CHAPTER 4

#### NOTICES AND ORDERS OF DIRECTOR OF DEVELOPMENT SERVICES

##### General

Sec. 401. (a) Commencement of Proceedings. Whenever the director of development services has inspected or cause to be inspected any building and has found and determined that such building is a dangerous building, the director shall commence proceedings to cause the repair, vacation or demolition of the building.

(b) Notice and Order. The director of development services shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.

2. A statement that the director of development services has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.

3. A statement of the action required to be taken as determined by the director of development services.

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(i) If the director of development services has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the director of development services shall determine is reasonable under all of the circumstances.

(ii) If the director of development services has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the director of development services to be reasonable.

(iii) If the director of development services has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the director of development services shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order, and that the demolition be completed within such time as the director of development services shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the director of development services:

(i) will order the building vacated and posted to prevent further occupancy until the work is completed, and

(ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising

(i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the director of development services to the city council, provided the appeal is made in writing as provided in this code and filed with the city clerk within 10 days from the date of service of such notice and order; and

(ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

(c) Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the director of development services or disclosed from official public records; the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the director of development services to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him or her by the provisions of this section.

(d) Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last equalized

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assessment roll of the county or as known to the director of development services. If no address of any such person so appears or is known to the director of development services, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

(e) Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the director of development services.

## Recordation of Notice and Order

Sec. 402. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the director of development services shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the director of development services shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

## Repair, Vacation and Demolition

### Sec. 403.

1. Any building declared a dangerous building under this code shall be made to comply with one of the following:

(i) The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or

(ii) The building shall be demolished at the option of the building owner; or

(iii) If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

## Notice to Vacate

Sec. 404. (a) Posting. Every notice to vacate shall, in addition to being served as provided in Section 401(c), be posted at or upon each exit of the building and shall be substantially the following form.



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## DO NOT ENTER

## UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building or to remove or deface this notice.

Director of Development Services, the City of Lemon Grove

(b) Compliance. Whenever such notice is posted, the director of development services shall include a notification thereof in the notice and order issued by him or her under Subsection (b) of Section 401, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code.

### **15.38.080 Chapter 5 amended.**

Chapter 5 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

## CHAPTER 5

## APPEAL

### General

Section 501. (a) Form of Appeal. Any person entitled to service under Section 401(c) may appeal any notice and order or any action of the director of development services under this code by filing with the city clerk a written appeal within ten (10) calendar days of the date of the written notice. The written appeal shall contain the following:

1. Completed application form and processing fee.
2. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contention of the appellant.
3. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
4. The signatures of all parties named as appellants and their official mailing addresses.

(b) Processing of the Appeal. Upon receipt of any appeal filed pursuant to this section, the director of development services shall set the item for a hearing before a hearing officer.

(c) Scheduling and Noticing Appeal Hearing. The date of the hearing shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the city clerk. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the city clerk either by causing a copy of such notice to be delivered to the appellant

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personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

(d) Hearing Procedures. Hearing procedures shall be governed in the same manner as administrative citation appeal hearings in accordance with Section 1.24.100 of the Lemon Grove Municipal Code.

(e) Hearing Officer. Hearing Officer appointment and procedures shall be governed in the same manner as administrative citation hearing officer appointment and procedures in accordance with Section 1.24.090 of the Lemon Grove Municipal Code.

## Effect of Failure to Appeal

Section 502. Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of that person's right to an administrative hearing and adjudication of the notice and order, or any portion thereof.

## Staying Order Under Appeal

Section 503. Except for vacation orders made pursuant to Section 403, enforcement of any notice and order of the director of development services issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

## **15.38.090 Chapter 6 deleted.**

Chapter 6 of the Uniform Code for the Abatement of Dangerous Buildings is deleted from the Code.

## **15.38.100 Chapter 7 amended.**

Chapter 7 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

### Chapter 7

#### ENFORCEMENT OF THE ORDER OF THE DIRECTOR OF DEVELOPMENT SERVICES

##### Compliance

Sec. 701. (a) General. After any order of the director of development services made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

(b) Failure to Obey Order. If, after any order of the director of development services made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the director of development services may (i) cause such person to be prosecuted under subsection (a) of this section or (ii) institute any appropriate action to abate such building as a public nuisance.

(c) Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

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1. The director of development services shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING

DO NOT OCCUPY

It is a misdemeanor to occupy this building or to remove or deface this notice.

Director of Development Services, the City of Lemon Grove

2. No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the director of development services have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code.

3. The director of development services may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

## Extension of Time to Perform Work

Sec. 702. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he or she will comply with the order if allowed additional time, the director of development services may, in the discretion of the Director, grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the director of development services determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property.

## Interference with Repair or Demolition Work Prohibited

Sec. 703. No person shall obstruct, impede or interfere with any officer, employee, contractor, or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

## **15.38.100 Section 801 amended.**

Section 801 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

# Attachment A

Sec. 801. (a) Procedure. When any work of repair or demolition is to be done pursuant to Section 701(c)3 of this code, the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of the director of development services. Plans and specifications therefor may be prepared by the director of development services, or his/her representative, or he/she may employ such architectural and engineering assistance on a contract basis as he/she may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

(b) Costs. The cost of such work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.